

## **REMARKS**

In view of the amendments and remarks that follow, Applicants respectfully submit that the application is in condition for allowance. Accordingly, applicants request reconsideration of the application, withdrawal of the rejections of record and issuance of a Notice of Allowance.

Claims 1-20 are pending in the application, all of which have been canceled as noted in this response. Claims 11-14 have been withdrawn, without prejudice, as drawn to a non-elected invention. Claims 16-20, which are not noted in the Office Action Summary or Office Action are also considered withdrawn and have been canceled to expedite the prosecution of the remaining claims. Claims 1-10 and 15 are rejected for the reasons of record. New claims 21 and 22 have been added to cover particular species that fall within the subject matter of the elected invention and are not considered to involve the addition of new matter. Entry of the new claims is respectfully requested. The genus of Claim 1 has already been allowed in great part in copending parent application USSN 10/396,197. The species in claim 21 were not in the prior application.

Applicants acknowledge the Office's comments regarding the election of Group I. The new claims include only elected subject matter and no deletion of any particular species is considered necessary.

### **Abstract**

The Office has objected to the abstract's contents for the reasons of record. The abstract has been amended to include the chemical structure as recommended. Applicants have not included variables X, Y and Z as the inclusion of the structure is considered to enable the reader to quickly ascertain the character of the subject matter covered by the technical disclosure.

### **Rejections under 35 U.S.C. § 112, first paragraph**

Claim 15 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

The Office has objected to the recitation of "a method of treating a proliferative or inflammatory disease", and stated that the specification is not enabled for such a scope.

While disagreeing that the specification is not enabled, Claim 15 has been canceled in order to further the prosecution of Claims 21 and 22.

**Rejections under 35 U.S.C. § 102(b)**

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Letsinger et al. The Office notes that the cited reference discloses a compound that is the same as one of applicants.

Applicants have canceled Claim 1 and submit that the compounds disclosed in newly added Claim 21 would not be anticipated by the cited reference.

Claim 1 is also rejected under 35 U.S.C. § 102(b) as being anticipated by Flitsch et al. The Office notes that the cited reference discloses compounds that are the same as applicants with certain substituents.

As noted above, Applicants have canceled Claim 1 and submit that the compounds disclosed in newly added Claim 21 would not be anticipated by the cited reference.

**Rejections under 35 U.S.C. § 112, second paragraph**

Claims 1-10 and 15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, in Claim 1, the Office suggests clarifying amendments in a number of instances to put the claim in condition for allowance.

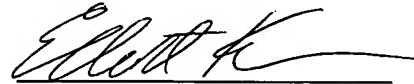
However, as noted, claims 1-10 and 15 have been canceled and new claims 21 and 22 have been added.

In view of the foregoing, Applicants submit that the application is in condition for allowance and courteously solicit a Notice of Allowance.

If any fee due is not accounted for herein, please charge such fee to Deposit Account No. 19-3880. If any extension of time is required and not petitioned for, such extension is hereby petitioned for, and it is requested that any fee due in connection therewith be charged to the aforementioned Deposit Account.

The foregoing response is believed to be fully responsive to the outstanding Office Action. If a direct personal communication would advance the prosecution of this application, please contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elliott K", with a horizontal line drawn underneath it.

Elliott Korsen  
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Date: March 14, 2005  
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